

# ZONING CODE UPDATE: HOUSING FOCUS

Item 7A: Hold Public Hearing, Waive First Reading, and Introduce Ordinances to Make Amendments to San Bruno Municipal Code Title 12 (Land Use) Article III (Zoning) and Amendments to the Zoning Map

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## City Council

February 23, 2021

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Principal, Good City Company

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## Staff and Consultant Team

- Pamela Wu, Community and Economic Development Director
- Matthew Neuebaumer, Associate Planner
- Marc Zafferano, City Attorney
- Kelly Beggs, Contract Senior Planner, Good City Company
- Aaron Aknin, Principal, Good City Company
- Barbara Kautz, Goldfarb Lipman (outside counsel)

# Meeting Objective

- Waive First Reading and Introduce Ordinances to make Amendments to the Zoning Map and to San Bruno Municipal Code Title 12 (Land Use) Article III (Zoning)

# Agenda

- I. Background
- II. Ordinance Objectives:
  - A. TCP/General Plan Implementation
  - B. State Law Consistency
  - C. Affordable Housing
  - D. Administrative Procedure Clarification
- III. Next Steps
- IV. Discussion

# Background

## Background

- **March 2009:** General Plan Adopted
- **February 2013:** TCP Adopted
  - Council study sessions held during TCP consideration and adoption, but no formal action on code adoption
- **November 2014:** San Bruno voters approved Measure N
- **November 2016:** Downtown Walking Tour on issues related to the zoning ordinance update
- **February 2020:** Parking Chapter update adopted by City Council
- **August 2020:** Planning Commission Study Session on Housing Focus Zoning Update
- **February 2021:** Planning Commission Reviews Ordinances and Recommends City Council Adoption

# Ordinance Overview

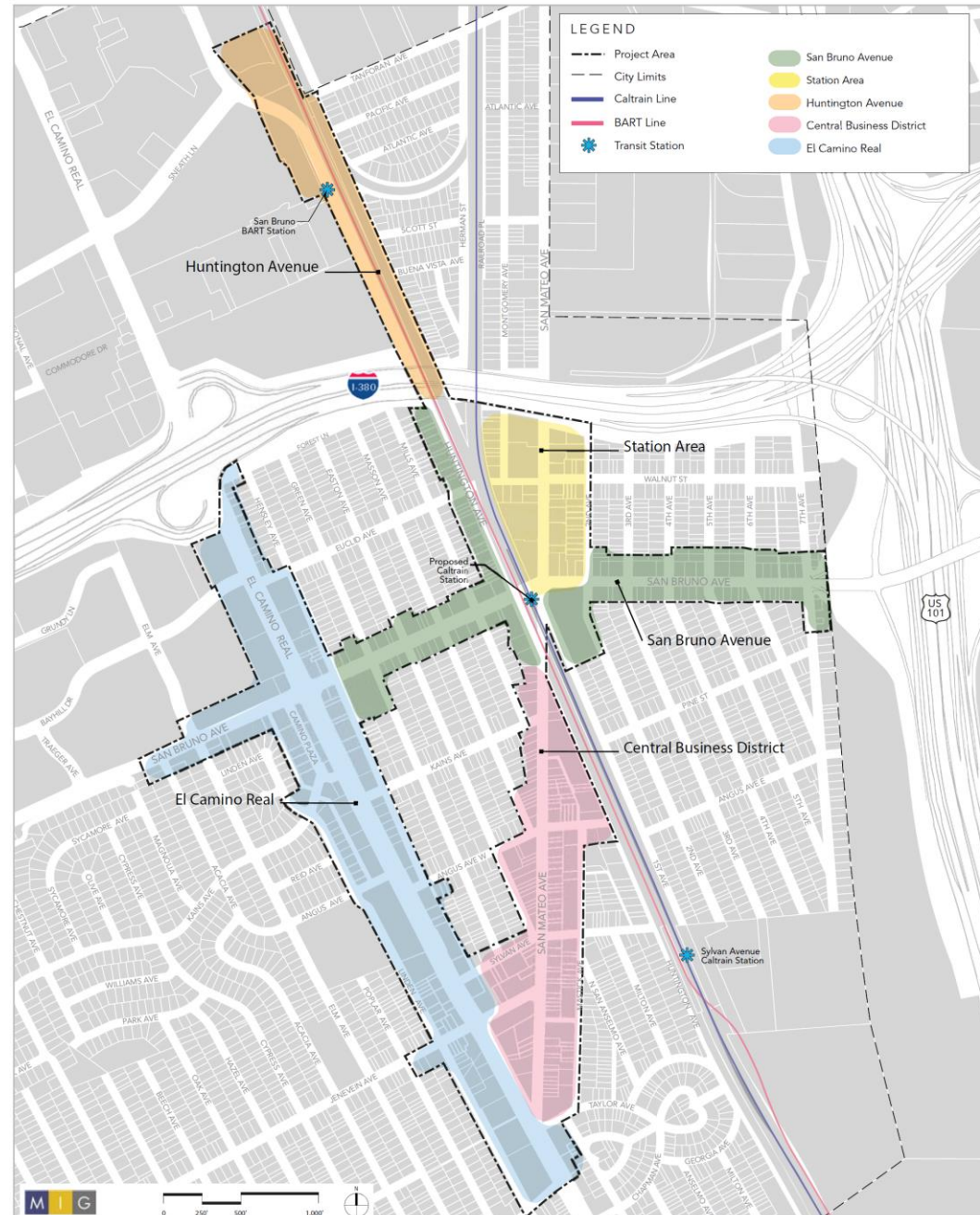
Chapter/Section	Proposed Action and Purpose
<b>Chapter 12.90 Accessory Dwelling Units</b>	<ul style="list-style-type: none"> <li>• Rescind and replace the entire chapter</li> <li>• State Law Consistency</li> </ul>
<b>Chapter 12.250 Density Bonuses</b>	<ul style="list-style-type: none"> <li>• Rescind and replace the entire chapter</li> <li>• State Law Consistency</li> </ul>
<b>Chapter 12.88 Condominiums</b>	<ul style="list-style-type: none"> <li>• Amend</li> <li>• Remove Use Permit requirement for new condo projects; use permit required for conversion</li> </ul>
<b>Chapter 12.96 Establishment and Description of Districts</b>	<ul style="list-style-type: none"> <li>• Amend</li> <li>• Rescind districts replaced by Mixed Use zones</li> <li>• Update terms and definitions</li> </ul>
<b>Chapter 12.108 Architectural Review Permits</b>	<ul style="list-style-type: none"> <li>• Amend</li> <li>• Revise findings, create AR Permit categories/thresholds, and designate review bodies</li> </ul>
<b>Chapter 12.230 Affordable Housing Program</b>	<ul style="list-style-type: none"> <li>• Amend</li> <li>• Strengthen on-site requirements and alternative findings</li> </ul>
<b>Chapter 12.78 Zoning Administration</b>	<ul style="list-style-type: none"> <li>• Add new chapter</li> <li>• Consolidate and clarify administrative policies</li> </ul>
<b>Chapter 12.280 Mixed-Use Districts</b>	<ul style="list-style-type: none"> <li>• Add new chapter</li> <li>• Codify TCP and General Plan Multi-use Residential Focus Area</li> </ul>

## Transit Corridors Plan, Housing Element, & General Plan Implementation

# TCP Implementation

Chapter 12.280 codifies the Transit Corridors Plan with:

- 5 New Zoning Districts
- Permitted Uses
  - Multi-Family Housing permitted in all new districts
- Development Standards

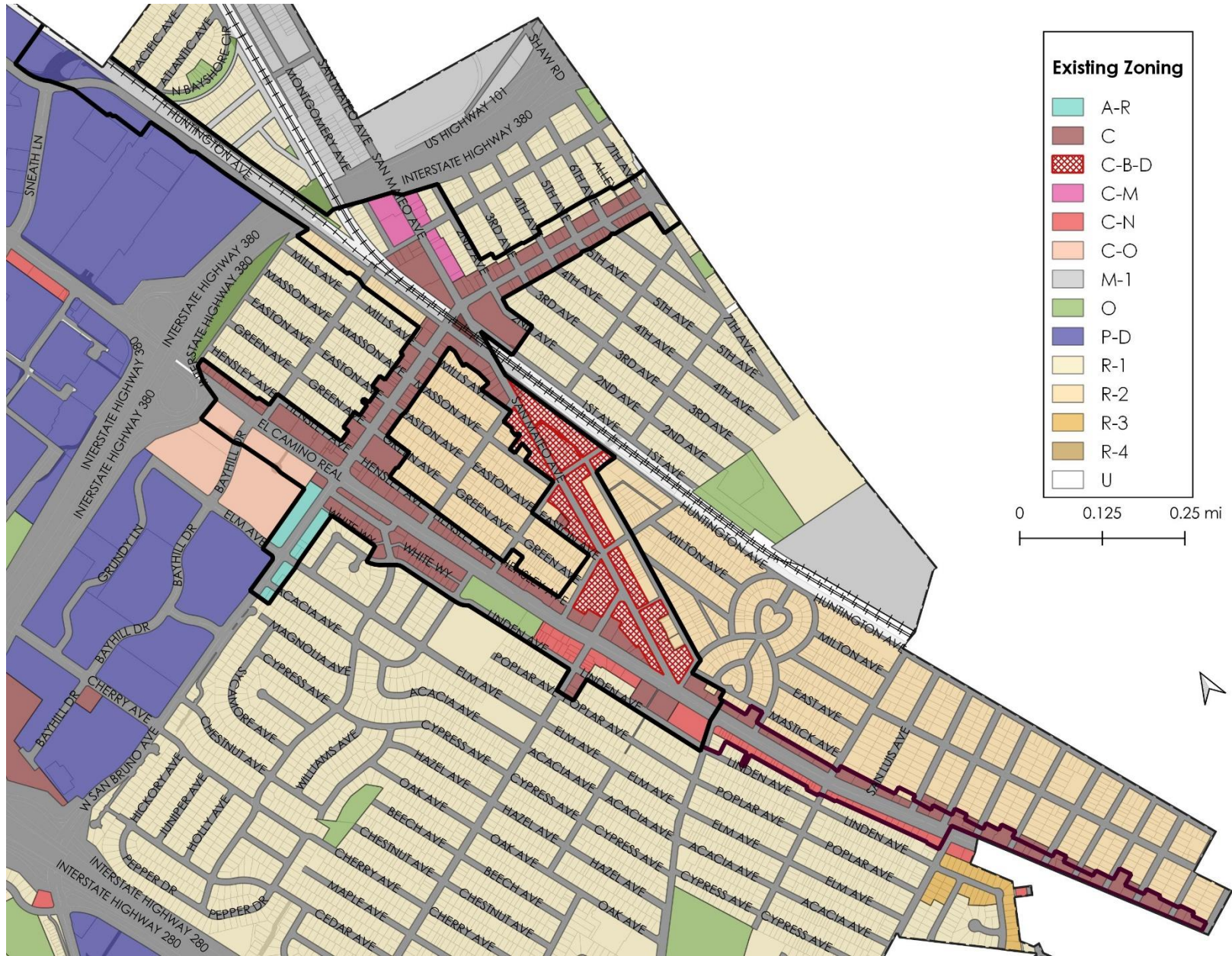


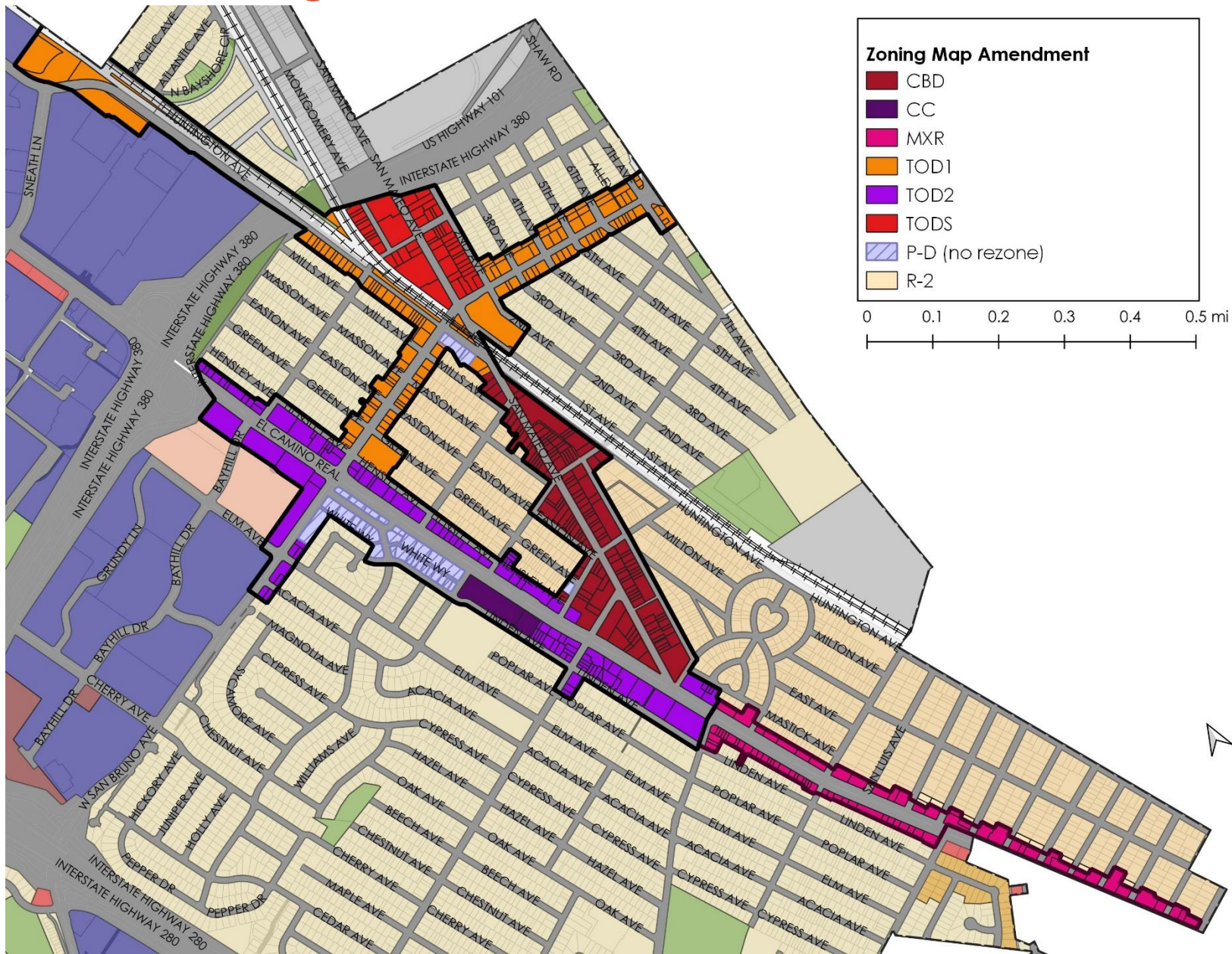
# General Plan and Housing Element Implementation

- Chapter 12.280 also includes a 6<sup>th</sup> zoning district for the General Plan Multi-Use Residential Focus Land Use Classification
- Currently Zoned Commercial or Neighborhood Commercial
- Identified as inconsistent with General Plan by Housing Element Program 2A
- **Changes:** Multi-family residential uses permitted; Retail uses conditionally permitted

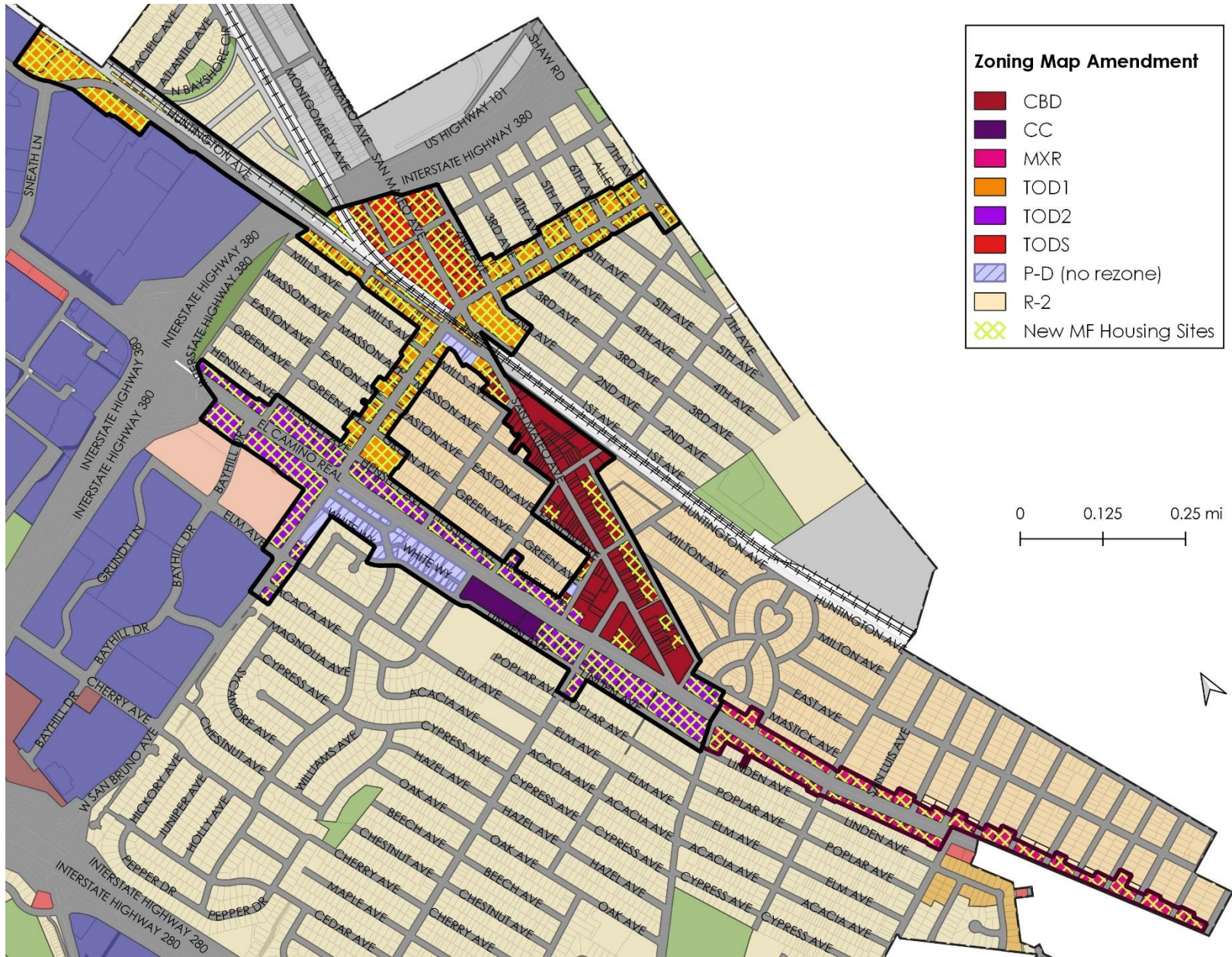


# Existing Zoning



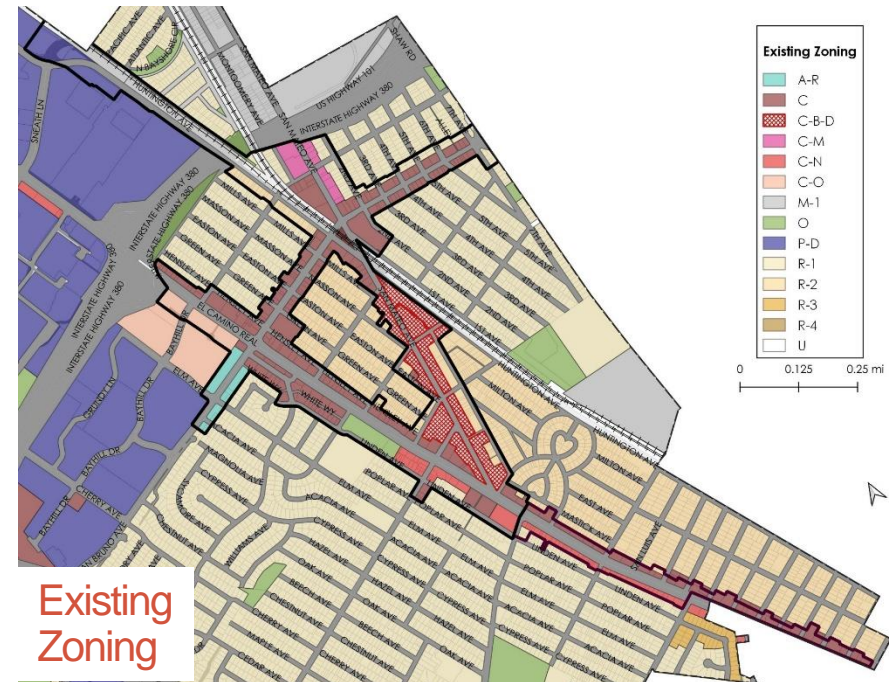


# New Multi-family Housing Sites

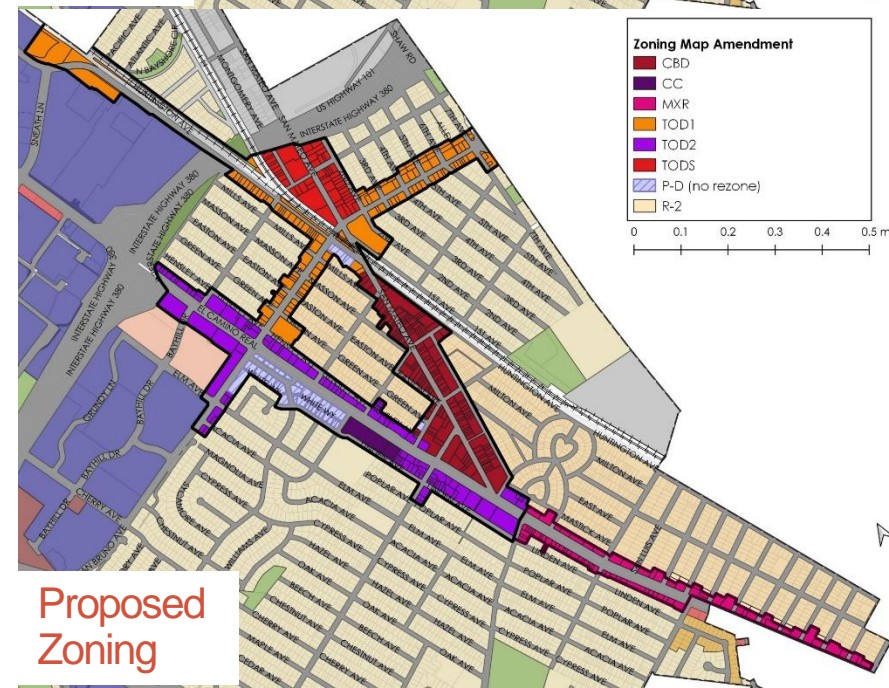


# Mixed-Use District Changes

- **382 parcels** and **74 acres** will now allow multifamily housing
  - R-1, A-R, C-O, C-M, C and C-N Districts did not permit multifamily housing
  - Those zones have been replaced with TODS, TOD1, TOD2, and MXR zones, all of which permit multifamily housing
  - R-2 District conditionally permits multifamily housing



Existing Zoning



Proposed Zoning

# State Law Consistency

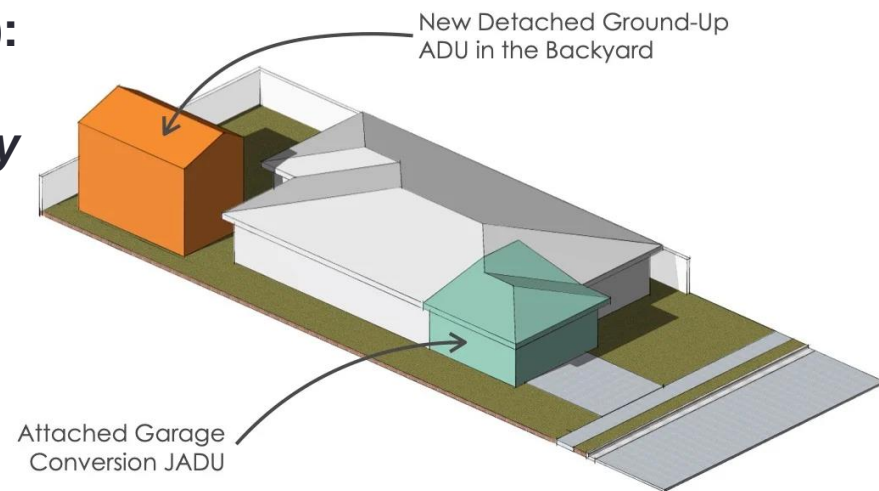
# ADUs + JADUs: Definitions

**Accessory Dwelling Unit (ADU):** an interior, attached or a detached residential dwelling unit located on a single lot with a proposed or existing single-family residence or existing multifamily residence which provides complete independent living facilities for one or more persons.

Includes: permanent provisions for living, sleeping, eating, cooking, and sanitation. Must have separate kitchen and bathroom.

**Junior Accessory Dwelling Unit (JADU):** a residential unit that is no more than 500 square feet in size and ***contained entirely within*** a single-family dwelling unit.

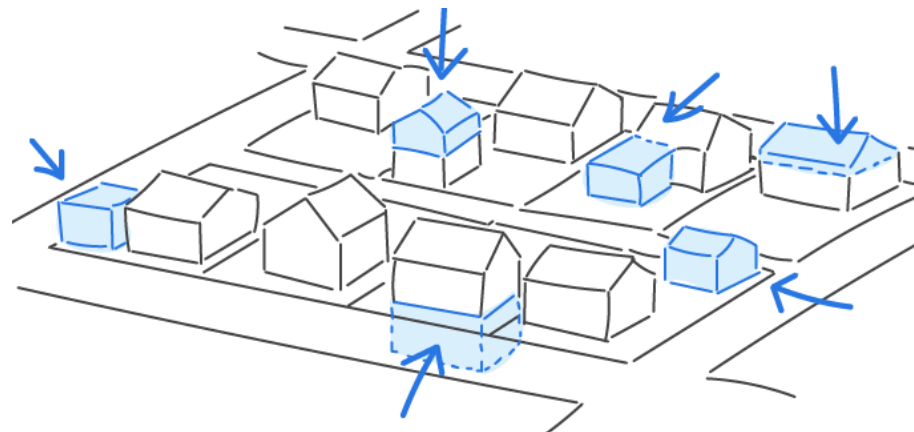
- Includes: efficiency kitchen and separate ***or shared*** sanitation facilities with the single-family dwelling.



# ADUs + JADUs: State Law

Six new laws went into effect (SB 13, AB 68, AB 587, AB 670, AB 671 and AB 881) January 1, 2020 which limit the City's discretion to regulate ADUs and JADUs

- Ministerially permitted
- ADUs allowed in all residential and mixed-use zones;
- JADUs allowed in all single-family residential zoning districts in addition to the ADU permitted on the same single-family lot;
- An 800 square foot ADU allowed regardless of lot coverage or maximum FAR;
- Two detached ADUs allowed per multi-family structure *or* up to 25 percent of non-living space in multifamily structures may be converted to ADUs;
- 4-foot side and rear setbacks for new construction; no setbacks for conversions or rebuilds;
- Minimum 16 ft height limit;
- Maximum floor area no less than 850 square feet for studios/1 bedrooms and 1,000 square feet for more than 1 bedroom;



## ADUs and JADUs – City Discretion

- Two-story ADUs
- Allowing more than 1,000 square-foot ADUs for Large Lots
- Replacement Parking for Junior ADUs
- Privacy Requirements
- Architectural Compatibility
- Review authority for new ADUs larger than 800 sf that exceed FAR and Lot Coverage



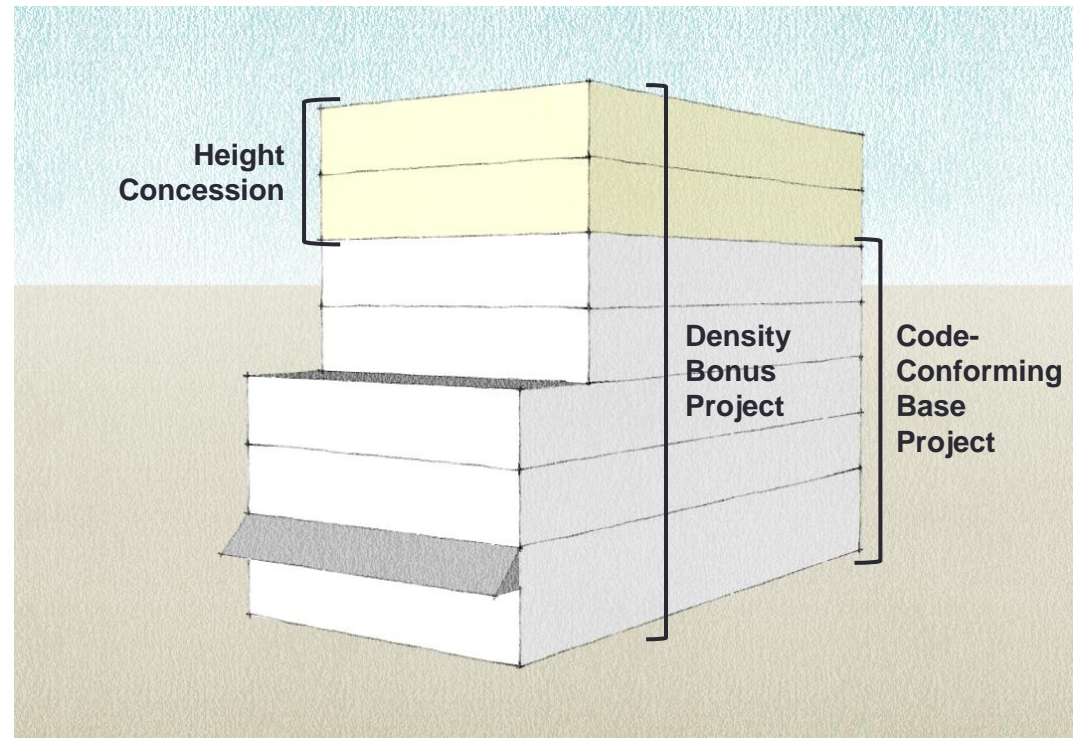
# Chapter 12.250 - Density Bonuses

State Density Bonus allows residential projects in California with affordable housing components access to a density bonus to allow additional units and waivers and incentives/concessions to make the project feasible.

- **Assembly Bill 2345 (2021):** Increased density bonus to up to 50% from 35%
- **Assembly Bill 1763 (2020):** 80% to unlimited density bonus for 100% Affordable Projects

New Ordinance:

- Sets forth application requirements and procedure for Density Bonus projects
- Sets forth maximum allowable residential density definition
- Refers to State Law to specify the density bonuses available for different amounts and levels of affordability



# Affordable Housing

# RHNA 2019 APR Summary

	Units Required	Units Permitted	Units Remaining	% Complete	On Pace?
<b>Very Low Income Units</b>	358	0	358	0.00%	No
<b>Low Income Units</b>	161	66	95	40.99%	No
<b>Moderate Income Units</b>	205	47	158	22.93%	No
<b>Above Moderate Income Units</b>	431	55	376	12.76%	No
<b>TOTAL</b>	1155	168	987	14.55%	No

## Current Ordinance

	Income Group	San Bruno
<b>Applicability Threshold</b>		5+ units
<b>Rental On-site Requirement</b>	% very low income	Fee applies (6%)*
	% low income	Fee applies (9%)*
	% moderate	
	Total	--
<b>Owner On-site Requirement</b>	% very low income	--
	% low income	6%
	% moderate	9%
	% above moderate	--
	Total	15%

# Proposed Changes

	Income Group	San Bruno
Applicability Threshold		5+ units
Rental On-site Requirement	% very low income	<del>Fee applies (6%)*</del> <u>5%</u>
	% low income	<del>Fee applies (9%)*</del> <u>5%</u>
	% moderate	<u>5%</u>
	Total	<u>15%</u>
Owner On-site Requirement	% very low income	--
	% low income	<del>6%</del> <u>5%</u>
	% moderate	<del>9%</del> <u>10%</u>
	% above moderate	--
	Total	15%

# Administrative Procedures

# Architectural Review Permit Clarifications

Application Type / Entitlement	Scope and Criteria	Review and Approval Body
Minor façade alterations	<p>Exterior alterations to existing building with no increase in square footage such as changes in building materials, alterations, additions or elimination of building elements</p> <p><b>Example: Renovation to an existing restaurant that includes change of materials from wood siding to stucco with new windows proposed</b></p>	Community and Economic Development Director
Architectural Review Permit for Major façade alterations	<p>Exterior alterations to an existing building involving square footage increase, exterior changes modifying architectural style or character-defining architectural features, structural roof modification.</p> <p><b>Example: Exterior renovation to an existing residential building involving a change in style from Spanish to modern including altering the roof from a hipped roof with Spanish tile to flat.</b></p>	<p>Architectural Review Committee</p> <p>(subject to thresholds below if floor area increases or unit increase is proposed)</p>
Architectural Review Permit for New Buildings	<p>Projects ≤ 6 residential units and/or ≤10,000 square feet of non-residential buildings</p> <p><b>Example: New 5-unit mixed-use project with 1,500 sf of ground-floor retail</b></p>	Architectural Review Committee
	<p>Projects &gt; 6 residential units and/or &gt;10,000 square feet of non-residential buildings</p> <p><b>Example: New 400-unit multi-family residential building</b></p>	Planning Commission

## Other Administrative Clarifications

### **Chapter 12.108 (Architectural Review Permit):**

- Revised objective findings for Architectural Review Permit
- Updated application requirements

### **Chapter 12.78 (Zoning Administration):**

- Application Completeness and Inactivity
- Minor/Major Modifications to Planning Approvals
- Expiration and Extension of Planning approvals
- Appeals
- Multiple entitlements w/ different approval bodies:  
approval body with the superior level of authority  
considers and acts upon the entire planning application

## Next Steps

## Next Steps

- Second Reading by City Council
- Ordinance goes into effect 30 days after Second Reading

# Discussion

## Motion

Waive First Reading and Introduce an Ordinance amending San Bruno Municipal Code Title 12 (Land Use) Article III (Zoning) and an Ordinance amending the Zoning Map.

